

**PUBLIC MEETING
August 10, 2010
MINUTES**

Chairman Mike Murray called the meeting to order a 9 a.m. Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included K. Paul Stahl, Kelly Blake, Eric Bryson, Greg McNally, Rebecca Shaw, Fred Rice, Byron Stahly, Jason Senn, Mark Simonich, Ron Knauss, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Amendment No. One to Contract No. 11-07-5-01-025-0 Between the Montana Department of Public Health and Human Services and Lewis and Clark County Amending Section 5. (Dorothy Bradshaw). [Item was pulled from the agenda - no action needed.]

Proposed Major Subdivision, Amended Plat of Lot 25 - Hayfield Estates (aka Hayfield Estates II Major Subdivision). (Applicant: Doug Sparrow) (Planner: Rebecca Shaw). Decision. The applicant proposes to create 24 lots, each for one single family dwelling. The proposed subdivision is generally located east of Valley Drive, approximately ¼ mile south of York Road. The applicant has requested a variance from adjacent and offsite road improvements.

Rebecca Shaw reported on traffic counts; York Road intersection 684 trips, Howard Road intersection 709 trips, and Canyon Ferry to Howard Road 878 according to 2009 traffic count. The condition of these roads was also reviewed. It was further noted that ADT's were determined by intersection counts that were included in the Traffic Impact Analysis with 42 percent of traffic going north from York intersection, and 58 going south. In addition, Stahly Engineering used 40 percent north and 60 percent south.

Eric Bryson stated that public works took six core samples on the paved section of the subdivision north to York Road and found that it met or exceeded current county road standards for a paved Typical Section No. 2; therefore it does meet current county road section standards.

Break until 9:20 a.m. to engage legal counsel in a discussion about a procedure change in possible conditions. Based on this discussion, there will be action on the variance and then final action on the subdivision.

Chairman Murray asked Mr. Stahly if the applicant would be willing to let the commission vary from normal procedure and handle the variance request this way. Mr. Stahly stated the applicant was comfortable with the procedure.

Commissioner Brown moved to approve the proposed subdivision. Commissioner Hunthausen seconded the motion.

Amendments -

Condition 9. Commissioner Brown moved to accept the two lots for parkland rather than cash in lieu. Commissioner Hunthausen seconded the motion for discussion. Jason Senn stated the applicant was comfortable in giving cash in lieu of parkland and leaving the lots as open space. The motion to change Condition 9 to accept open space as parkland failed 2-1. Commissioners Murray and Hunthausen voted no.

Condition 11.j. Commissioner Brown moved to strike this condition. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Condition 11.k. Commissioner Brown moved to strike this condition as it is a duplicate of Condition n. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Condition 15. Commission Brown moved to replace Condition 15 with the following language: Modify the requirements of Subdivision Regulation XI.H.3 to compensate for the previously constructed improvements by the following method: For the purposes of meeting the requirements of XI.H.3, the new application for Hayfield Estates Phase II will be combined with the Phase I development and will be addressed as a single 48-lot subdivision. The applicant will use the most current (2010) traffic studies to determine the baseline ADT in each direction. The applicant will either use an equal distribution north and south or provide a traffic distribution onto Valley Drive by a licensed professional engineer. The applicant will subtract the current subdivision traffic by actual count at the subdivision or by 9.57 trips per day per household from the baseline ADT. The calculation for the required contribution to offsite roads will be based on this adjusted ADT and the proposed traffic from the 48 lots combined. The actual contribution required is the result of the calculation described above minus the previous investment that the applicant has made in offsite roads for Phase I adjusted by the Consumer Price Index to 2010 dollars. Commissioner Hunthausen seconded the motion for discussion.

Commissioner Brown gave an example of a calculation and nothing should be inferred to the outcome. The motion would be included in the conditions of approval and was an option that the applicant could choose or not choose to use. [The full text of the example calculation can be found in the BoCC Clerk file.]

The reason for this motion as an option was to include a method within the regulation rather than do it by variance. The motion carried 3-0.

Commissioner Brown moved to table the decision on the subdivision until consideration of the variance request. Commissioner Hunthausen seconded the motion.

Chairman Murray asked Mr. Stahly if he wants to withdraw the variance request. Byron Stahly responded yes, upon approval of that motion the applicant withdrew his variance request for the road contribution.

Commissioner Hunthausen moved to remove from the table the approval of the subdivision. Commissioner Brown seconded the motion. The motion carried 3-0.

The motion to approve the subdivision as recommended by the Planning Board subject to 15 conditions as amended carried 3-0.

Appeal of Denied Approach Application for Driveway Access onto Wylie Drive for Property Located at 3012 L Drive, aka Lot 23, Prickley Pear Creek Estates Subdivision.
(Applicant: Ron Knauss) (Staff: Greg McNally, Kelly Blake) (Cont'd. from 8-5-10)

Commissioner Hunthausen stated he read the transcript from the last meeting and was prepared to participate in discussion and vote.

Commissioner Brown moved to approve the request for an approach site plan that has been stamped by Montana Engineer Michael Wagner because it does not interfere with the pond. Commissioner Hunthausen seconded the motion for discussion.

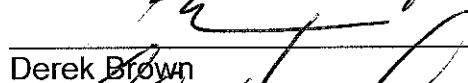
After discussion, Commissioner Brown amended his motion to approve the approach permit subject to one condition, verification of approval from DEQ. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

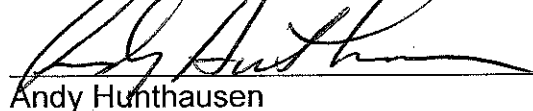
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:54 a.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board